



ruthhi@adelphia.net
08/03/2006 03:47 PM

To: cabrilloportpermit@EPA
cc
bcc
Subject: Fwd: Comments from LWVVC

> Date: Tue, 1 Aug 2006 22:37:23 -0700
> From:
> To: cabrilloportpermit@epa.gov
> Subject: Comments from LWVVC
> Cc: anngistlev@earthlink.net, Ppecar@aol.com
>
>
> Attached are comments from the League of Women Voters of Ventura County,
and previous letters referred to in the comments.
> Ruth A. Hibbard, Program VP
> Ann Levin, Action



> Pam Pecarich, President Comments on LNG-8-06.pdf LWV LNG letter May 06.doc LNG final-Dec 04.doc

League of Women Voters

of Ventura County

...Making Democracy Work

July 30, 2006

Joe Lapka (AIR-3) or email cabrilloportpermit@epa.gov
EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901

Dear Mr. Lapka,

The League of Women Voters Ventura County (LWVVC) has long standing positions supporting measures to establish air quality standards that will protect the public health and welfare, and the development of effective enforcement and implementation procedures at each level of government to attain these standards. Our positions are consistent with those of the LWV United States (LWVUS) and LWV California (LWVC).

The League of Women Voters of Ventura County has submitted comment letters at each stage of the hearing process on the BHP Billiton LNG proposal. A copy of those submissions is attached and they are on file with the California State Lands Commission and the U.S. Coast Guard. In addition individual members of LWVVC have appeared and expressed their own views, including the most recent EPA hearings on air quality issues.

Air quality continues to be a major priority and concern for the League. In the letter submitted December 19, 2004, we pointed out air quality was already a major problem for Ventura County, even without the FSRU. Therefore we urged further mitigation. We also refer USEPA to our latest letter of May 12, 2006 which opens with comments on air quality. LWVVC strongly supports its air quality positions. This requires that we speak clearly to the EPA. Section 4.6.2 of the DEIR states: "Pursuant to the Deepwater Port Act, the USEPA has jurisdiction to administer air quality regulations and required air quality permits for applicable Project activities that occur outside of the boundaries of California counties, including operation of the FSRU."

In our reading of the DEIR, we find that the EPA has made an untenable decision to redefine the FSRU (floating storage and regasification unit) as if it were located on San Nicolas Island or Anacapa Island and accordingly that its emissions need not be offset. This approach will establish a unique and questionable interpretation under Ventura County Air Pollution Control District's local rule 26.2. The Channel Islands mentioned above have no air quality restrictions, therefore the FSRU has no air restrictions. BHP Billiton's FSRU will create a major increase in air pollution for Ventura County, and beyond. This arrangement cannot be ignored by the good people who live under this threat.

In conclusion, it is unthinkable that the huge FSRU would be classified as though its emissions are not required to be offset. In fact, there will be significant emissions coming from the FSRU as well as other vessels and the numerous actions involved in the LNG processes. LWVVC requests USEPA take the steps necessary to completely change its stance so that appropriate air quality standards are applied to this project and that transparency is brought into EPA regulations and decision making.

Thank you for your consideration of these comments,

Sincerely,



Pamela J. Pecarich, President
League of Women Voters Ventura County
~~P.O. Box 787~~
Ventura, CA 93002
ppecar@aol.com

League of Women Voters

of Ventura County

P.O. Box 787
Ventura, CA 93002

May 12, 2006

Dwight E. Sanders
California State Lands Commission
Division of Environmental Planning and Management
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825

State Clearing House Number: 2004021107
CSLC EIR No. 727

COMMENTS ON AIR QUALITY

The League of Women Voters Ventura County (LWVVC) has long-established positions on air quality standards to protect public health and welfare, including effective enforcement and implementation procedures. Our reading of the DEIR leaves us concerned about the manner in which air quality issues are presented; basically the US EPA determined that air quality regulations are not required to be observed where the floating port Cabrillo Port will be sited. See p. 4.6-21, Table 4.6-15, in box "LOCAL", and ES-3, lines 23 to 28. The EPA seems to treat Cabrillo Port, the FSRU (floating storage and regasification unit), as if it were on one of the Channel Islands, and therefore not subject to air regulations. (Table 4.6-20). Also see footnote 'b' of the Executive Summary {Table ES-2 on page ES-21} stating the Clean Air Act, section 112 (r), Risk Management Program 40 CFR Part 68 is not applicable.

Although natural gas is a cleaner energy source than coal or oil, it still releases CO₂ into the atmosphere when burned, contributing to global warming. Further, according to the EPA, when natural gas is released unburned into the atmosphere, it traps 21 times more heat per molecule than does carbon dioxide. We are concerned that methane will be lost to the atmosphere in the processing of LNG, adding unnecessarily to global warming — for example when the very large amount of "treated exhaust gas" is vented from the Submerged Combustion Vaporizer, as seen in Figure 2.2-5, page 2-25, during regasification. See also section 4.6.1.4. The "treatment" of the exhaust should be described in the EIR.

Beachgoers know that ocean winds blow toward the land daily, often with some force. We know the LNG will decrease Ventura County's air quality because the DEIR

indicates that various LNG processes, such as burning fuel for electricity, lighting, water treatment, etc. on the FSRU, are additional sources of air pollution. There will also be pollution resulting from the construction of onshore pipelines. There will be tanker ships unloading LNG, and the Coast Guard ships, tugs and other vessels involved in this process will continue to play a significant role on central south coast air pollution, even though BHP Billiton announced on April 17, 2006, hours before the public hearing in Malibu, that they will reduce pollution by using new tugboats with cleaner burning engines (Ventura County Star, 4/19/06). The issue of clean air is a current problem that we cannot put off until future years. Polluted air and global warming must be dealt with today.

COMMENTS ON SAFETY

The LWVVC reviewed the two volumes of the DEIR of March 2006 with special attention to the possible danger to the people of Ventura County and Los Angeles County. The danger posed by terrorist events continues to be a concern. We also are concerned about management of the increased traffic in our waters. The increase in marine traffic is given a Class II impact rating in the EIR. We ask that increased marine traffic receive more mitigation. (See Vol. II, page 6-13, and Vol. I, pages 4.2-23 and 24).

The DEIR clearly states the US Coast Guard alone is responsible for the security of LNG carriers to the extent that USCG resources allow. The statement, however, does not clarify the duties of the Coast Guard, but rather is ambiguous. It is further stated that Captain of the Port of Los Angeles/Long Beach (we assume he is a Coast Guard Officer) would take a major role (line 36, p. 4.2-24). LNG vessels would be escorted by USCG patrol craft; and as local conditions warrant, the USCG would coordinate with federal, state and local transportation, law enforcement and/or emergency management agencies to reduce or minimize risks of activities. The DEIR statements are imprecise and need to be clarified in the EIR.

The EIR does not anticipate using state or local law enforcement (p. 4.2-24). We wonder if the counties and local entities are clear about their responsibilities should an accident occur. Have they been consulted?

We are disappointed that the results of the Scandia research, ordered by California State Lands Commission, were only partially available to the public. A number of pages and lines were blacked out in the EIR. We understand the restrictions of the Homeland Security Act, but the fact remains, citizens cannot evaluate the Scandia report without transparency of information. Transparency of government is a LWV position as well as having citizens participate in planning and decision making processes, especially when hazardous material management is concerned.

ORMOND BEACH

For several decades LWVVC has actively supported the protection of Ormond Beach and its remaining wetlands because such environments are already gone from most of the California coast. The importance of wetlands was clearly illustrated to the world after the hurricanes across the Gulf Coast area last fall. Not only do wetlands serve birds, plants,

other life, but they moderate storm damage and flooding, and speed recovery. The 2006 DEIR correctly classifies Ormond Beach as a high consequence area (HCA). The League urges BHP Billiton, International to reach beyond this category and not locate the shore crossing on Ormond Beach. The delicate balance of this habitat could be severely impacted by the noise, lights, and activities of large machines and their operators, and could drive the birds and other creatures away permanently.

These issues apparently are not addressed in the DEIR. In particular, Vol. I, page 4.8-4, line 9 refers to Section 4.13.1.2 and Vol. II, p. 4.13-2, "Shore Crossing" stating that under the Federal Coastal Zone Management Plan, a separate consistency certification for the proposed Project facilities in the coastal zone would not be required. We do not know the definition of a consistency certification or how deleting this certification will affect the environment of Ormond Beach and its unique, fragile status. We request clarification on this item.

VIEWSHED, NOISE, NIGHT LIGHTING, IMPACT ON OCEAN

The ambiance of the Pacific Ocean and the special environment of the Channel Islands Marine Sanctuary should be protected from the impact of heavy industry in its midst. The aesthetics of ocean views are an essential, beautiful sight for the human soul. It is a fact that animals need undisturbed places where they can forage, reproduce and protect their young. Ormond Beach has its unique bio-diversity and contribution to the shore. Therefore, keeping heavy industry away from these areas is the best decision.

Processing LNG will impact the ocean waters in ways that will be new to the area. Sea water will be used to provide ballast in order to keep the FSRU and LNG tankers stable. Various organisms and sea life will be at risk when drawn into vessels during the ballast intake, and again when ballast is discharged. In addition, exotic species could be introduced to southern California waters on the first discharge of the FSRU ballast. These risks need further discussion.

Thank you for your consideration of these comments.

Sincerely,

Pamela J. Pecarich, President
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**THE LEAGUE OF WOMEN VOTERS
OF VENTURA COUNTY
789 CRANMONT CT., SIMI VALLEY, CA 93065**

December 19, 2004

U.S. Department of Homeland Security
U.S. Coast Guard

U.S. Department of Transportation
Maritime Administration

California State Lands Commission

Federal Docket No. USCG-2004-16877
State Clearinghouse No. 2004021107
CSLC EIR No. 727

To: Cy Oggins, California State Lands Commission
ogginsc@slc.ca.gov
Lieutenant Ken Kusano, U.S. Coast Guard
kkusano@comdt.uscg.mil

From: League of Women Voters of Ventura County
789 Cranmont Ct., Simi Valley, CA 93065
jspymurray@sbcglobal.net

Subject: Notice of Comment for the Cabrillo Port Liquefied Natural Gas Deepwater Port
Draft Environmental Impact Report/Environmental Impact Statement

The League of Women Voters of Ventura County is deeply concerned about the proposed Cabrillo LNG Deepwater Port and we are troubled by critical issues that raise questions about how best to safeguard our energy resources. The following comments will address our most serious questions.

Conditions of permit/license to operate the FSRU:

We are concerned that there appears to be no time limit placed on the license to operate the offshore facilities. The EIS/EIR indicates that the FSRU has an expected life of 40 years after which a separate environmental impact study would be required to determine how it should best be decommissioned. We recommend the license to operate this facility be established at no more than 40 years.

We also recommend that responsibility for oversight of the decommissioning should rest with the State of California in consultation with the California Coastal Commission and affected local governments. It is after all our coastline and our beaches that will be affected and the federal government's interest from a national energy policy perspective will no longer be relevant.

State and Local Roles in the Location of LNG Facilities:

While we acknowledge the interest of the federal government in the location of and number of LNG facilities from a national energy perspective, we believe strongly that the State and local governments that will be affected by proposed facilities must have an equal voice. These entities have legal jurisdiction over integral parts of the project as well as a moral responsibility for the health, safety and welfare of their residents. The best course of action for all concerned is a consensual process where each entity is an equal partner.

Protection of Local Communities:

Ventura County and its cities will be the most affected by the location of an LNG facility off the coast of Oxnard and the construction of the related facilities including over 20 miles of new pipeline across the county. Ventura County and its residents will accordingly bear the health and safety risks and environmental costs associated with the project. The EIS/EIR acknowledges many of these risks, hazards and costs and admits that it is impossible to protect against or mitigate these 100 percent.

The associated risks and costs must be addressed in the best possible manner during construction and operation of the project. There also must be clear responsibility for monitoring performance, correcting deficiencies and assessing penalties if necessary. In addition, the State of California and local governments should be provided the opportunity to review, comment and revise (1) the health and safety plan developed by the Applicant to cover both construction and operation phases of all the facilities, including the pipelines and (2) the contingency plans developed by the applicant for addressing catastrophic events, spills, earthquake damage, pipeline ruptures, etc., including emergency preparedness plans.

In addition, we believe the Applicant should, in conjunction with SoCalGas, be required to guarantee the cities and County adequate supplies of natural gas at reasonable rates for the life of the project; guarantee the State and local governments that any resulting damage to the coastline or beach or their habitat will be repaired or restored at the expense of the Applicant; and take full financial responsibility for any other damages that might occur directly to persons or property as a result of the project.

Finally, to the agencies that bear the regulatory responsibility for reviewing and approving this and similar projects, we want to emphasize that the acceptance of this project by Ventura County is made possible only by reason of its relatively better location, farther away from land and the County population and having less visual impact from shore. This is the sort of buffer that should be required of all such projects and new facilities proposed closer to shore or on land will meet much stiffer resistance.

Concerns of security and safety:

We are deeply concerned about the dangers associated with the proposed LNG project (FSRU). Section 4.2-1-81 and the EIS/EIR Appendix C raise serious questions and cause us most concern about a broad range of topics.

The EIS/EIR states that “Although the LNG industry has been operating for 40 years, fewer than 20 marine accidents involving LNG have occurred worldwide, none of which resulted in a significant release of LNG” (Page 4.2-1). We do not find this statement a valid argument to demonstrate LNG safety. First, the future environment will not be the same as the past. An offshore port will be a new project and a new subject will potentially be subject to attacks by terrorists. Second, past performance is no guarantee of future performance. It is only safe to assume that anything can go wrong and that assumption must be the basis of any EIS/EIR.

Further, the EIS/EIR states that “Evaluating the potential safety impacts from the proposed Project required the use of a structured process that would make the results available to decision makers and the public, while also ensuring that release of relevant information does not in turn create a security threat” (p. 4.2-1, Section 4.2). This information denies the public vital information on the grounds that release of this same information will create a security threat. In fact, not releasing this information may well create a security threat as the result of a false sense of security.

We also are not convinced that “If the license and lease were approved, additional safety evaluations would be conducted throughout the design, construction and operation of the project” (Page 4.2-1, Section 4.2). We ask the proponents of the EIS/EIR these specific questions: what safety evaluations will be conducted? who will be conducting them? what will be available to the public? who will be likely to be at risk? and who should know about risks associated with by the project? Unless these questions are answered, we cannot ask the people of Oxnard and Malibu or the League of Women Voters of Ventura County to be so accepting.

A major concern involves the danger of expansion or evaporation from compressed liquefied form into unodorized pipeline quality natural gas. Would the heat of vaporization come from ocean water or from burning natural gas? In either case, what would be the environmental impact? (Page 4.2-3).

Finally in this section, we are concerned that the modeling done to date may be insufficient to anticipate potential events, assess damages and determine appropriate safeguards. We recommend that the regulatory agencies responsible for this project pay particular attention to the models being used and require the applicant to undertake such additional modeling as appropriate to assure the public that all reasonably anticipated events have been evaluated.

Agriculture, soil resources, and air quality:

Although the EIS/EIR states that farmers in the area during onshore pipeline construction during the project will be compensated for losses, topsoil may be degraded, dust will be increased, and trees will be lost. The applicant says that potential harm to the land includes soil compaction, reduced fertility, poor revegetation, and the introduction of noxious weeds, but mitigation measures are spelled out in Table 4.5-5. Trees that the EIS/EIR says will be permanently lost must be replaced as a mitigation measure. Dust could reduce productivity in nearby land during the construction period. Earth-moving activity onshore would require dust suppression during construction. Watering to reduce dust is the mitigation measure, but we are concerned about how and who will be established as the agents responsible for monitoring this condition.

Ventura County has an air quality problem at present, even without the FSRU, which would worsen the air quality and not be completely controlled by the mitigation measures (4.6.5). Ventura County's air quality is listed as severe and does not meet NAAQS standards for ozone and particulate matter now. During offshore operations, ammonia could be released in excess of reportable quantities, endangering workers, and in the event of a pipeline accident, volatile organic compounds could be exposed to the atmosphere. We recommend that "mitigation measures" be fully spelled out in the EIR/EIS and that agents be held responsible for any damage to agriculture, soil, and air quality and subsequent restoration to the environment in the process of the project.

We are particularly concerned about potential adverse effects on Ormond Beach, about which we addressed the proponents earlier (March 15, 2004 Comment letter). For 20 years or more, the League has supported the recovery of the wetlands and beach on Ormond Beach. The Oxnard Coastal Land Use Plan governs land uses in the Ormond Beach Coastal Zone Area which proposes to cross the project route from approximately milepost 0.0 to MP.2 (p. 4.11). We are troubled about how the subsea natural gas pipelines come ashore and extend 0.65 miles below the beach, terminating at the existing Reliant Energy metering station adjacent at Ormond Beach, and tying in to the SoCalGas system. In order to preserve this unique natural environment, we recommend that the project sponsors be required to put money aside to restore the habitat and repair any damage to the beach.

Although we will continue to monitor the proposed project, we appreciate the opportunity to address our concerns. Thank you for your attention to our letter.

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